

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4)	
CELLULAR GENERAL PARTNERSHIP)	
FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A CELL)	CASE NO. 98-155
SITE (UPTON) IN RURAL SERVICE)	
AREA 4 (LARUE) OF THE)	
COMMONWEALTH OF KENTUCKY)	

O R D E R

On March 31, 1998, Kentucky RSA #4 Cellular General Partnership ("RSA #4 Partnership") submitted an application for a Certificate of Public Convenience and Necessity to construct a cellular radio telecommunications cell site in Rural Service Area No. 4 in Larue County, Kentucky. The Executive Director of the Commission, by letter dated April 7, 1998, informed RSA #4 Partnership of several deficiencies in its application.

On April 29, 1998, RSA #4 Partnership submitted documents and information that cured all deficiencies but one. Accordingly, by letter dated May 19, 1998, the Executive Director informed RSA #4 Partnership that the deficiency, failure to file a map that is drawn to a scale no less than 1 inch equals 200 feet and that identifies every structure and every owner of real estate within 500 feet of the proposed tower, still existed.

On May 27, 1998, RSA #4 Partnership filed a letter requesting that the Commission accept the map it had submitted with its application even though the map submitted is not drawn to regulation scale. In its May 27 letter, RSA#4 Partnership repeats its claim, first stated in its response of April 29, that the "cost associated with having this map drawn to

regulation scale would be prohibitive." The Commission will treat the letter as a motion to deviate from a regulatory requirement.

807 KAR 5:063 specifies documents and information to be filed in an application to construct a cell site. The information required by Section 1(1)(k), the section at issue here, is pertinent in that it informs the Commission of, among other things, the precise distances from the proposed tower base of the boundaries of neighboring property. The rough map submitted by RSA #4 Partnership does not provide this information. RSA #4 Partnership claims the cost of furnishing the map is "prohibitive." However, the cost to RSA #4 Partnership is, presumably, no greater than the cost to any of the numerous carriers that file such applications with the Commission. There appears to be no extraordinary situation here to justify treating RSA #4 Partnership differently from other applicants.

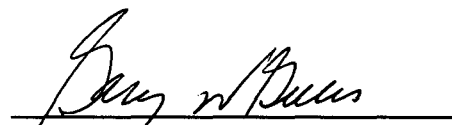
The Commission being sufficiently advised, IT IS THEREFORE ORDERED that the motion of Kentucky RSA #4 Cellular General Partnership to deviate from 807 KAR 5:063, Section 1(1)(k) is denied.

Done at Frankfort, Kentucky, this 10th day of June, 1998.

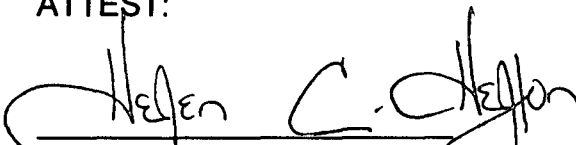
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director